

Notice of Allowability

Application No.

10/801,280

Examiner

Robert A. Hopkins

Applicant(s)

KIRCHNER, EDWARD C.

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to application filed 3-16-04.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 3-16-04
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Allowable Subject Matter

Claims 1-20 are allowed.

The following is an examiner's statement of reasons for allowance:

Claims 1 and 12 recite "a holder(16) in fluid communication with the separation means(12) for receiving and holding separated immiscible liquid(26) from the separation means(12)". Baer(3769207) teaches a vacuum separation , transport and collection system which includes a separator(tank in figure 1) for separating immiscible liquids, a collector(11) in fluid communication through a vacuum line(10) with the separator, and a vacuum generator(12) in fluid communication with the collector. However Baer does not teach a holder in fluid communication with the separation means for receiving and holding separated immiscible liquid from the separation means. Batten(5405538) teaches a vacuum separation , transport and collection system which includes a separator(10) for separating immiscible liquids, a collector(24) in fluid communication through a vacuum line(16) with the separator, and a vacuum generator(34) in fluid communication with the collector. However Batten does not teach a holder in fluid communication with the separation means for receiving and holding separated immiscible liquid from the separation means.

It would not have been obvious to someone of ordinary skill in the art at the time of the invention to provide a holder in fluid communication with the separation means for receiving and holding separated immiscible liquid from the separation means because neither Baer nor Batten suggest such a modification. Claims 2-11 depend on claim 1

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and hence are also allowed. Claims 13-16 depend on claim 12 and hence are also allowed.

Claim 17 recites "securing a holder(16) in fluid communication with the separator means(12) for receiving a separated immiscible liquid(26)". Baer(3769207) teaches a vacuum separation , transport and collection system which includes a separator(tank in figure 1) for separating immiscible liquids, a collector(11) in fluid communication through a vacuum line(10) with the separator, and a vacuum generator(12) in fluid communication with the collector. However Baer does not teach a step of securing a holder in fluid communication with the separator means for receiving a separated immiscible liquid. Batten(5405538) teaches a vacuum separation , transport and collection system which includes a separator(10) for separating immiscible liquids, a collector(24) in fluid communication through a vacuum line(16) with the separator, and a vacuum generator(34) in fluid communication with the collector. However Batten does not teach a step of securing a holder in fluid communication with the separator means for receiving a separated immiscible liquid.

It would not have been obvious to someone of ordinary skill in the art at the time of the invention to provide a step of securing a holder in fluid communication with the separator means for receiving a separated immiscible liquid because neither Baer nor Batten suggest such a modification. Claims 18-20 depend on claim 17 and hence are also allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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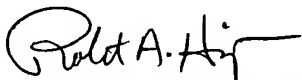
accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert A. Hopkins whose telephone number is 571-272-1159. The examiner can normally be reached on Monday-Friday, 7am-4pm, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rah
August 30, 2005


ROBERT A. HOPKINS
PRIMARY EXAMINER
A.4.1724